

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

APR - 8 2009

U.S. DISTRICT COURT
W. DIST. OF N.C.

United States of America)

v.)

Damien Maurice Cabbie)

Case No. 3:09-cv-106

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 04/02/2009 in the county of Union in the Western District of
North Carolina, the defendant violated 21 U. S. C. § 841(a)(1)
, an offense described as follows:

it shall be unlawful for any person knowingly or intentionally to distribute and possess with intent to distribute a controlled substance, that is, at least 50 grams of a mixture and substance containing a detectable amount of cocaine base, commonly referred to as "crack cocaine," a Schedule II controlled substance.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.
Complainant's signature

S/A Brent Vossekuil

Printed name and title

Sworn to before me and signed in my presence.

Date: April 8, 2009City and state: Charlotte, NC
Judge's signature

David C. Keesler, United States Magistrate Judge

Printed name and title

AFFIDAVIT OF
Special Agent Brent J. Vossekuil
Bureau of Alcohol, Tobacco, Firearms and Explosives
Charlotte, North Carolina

1. I, Brent J. Vossekuil, being duly sworn, depose and state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since September 2005. Prior to becoming a Special Agent with ATF, I was employed by the State Attorney's Office in the 4th Judicial Circuit of Florida. I hold a Bachelor of Arts Degree in the field of Business Management from Pennsylvania State University. I also state that I am a graduate of the Federal Law Enforcement Training Center and a graduate of the ATF National Academy in Glynco, Georgia. My primary duties involve the investigation of Federal Firearms violations and the associated use of firearms in violent crime and narcotics violations. I am currently assigned by ATF to the Charlotte II Field Office, which is responsible for multiple counties in the Western Judicial District of North Carolina.

2. This affidavit is based on not only the observations of your Affiant, but also the observations of officers of the Monroe Police Department and Union County Sherriff's Office.

3. On January 6, 2009, an ATF Confidential Informant (CI) 162 was debriefed about an individual known to him as "P-Low." P-Low was later identified as Damien Maurice Cabble, B/M, DOB: 12-2-82, FBI# 945986TB0. CI-162 stated he has purchased cocaine from Cabble on numerous

occasions in the past. CI-162 stated he has seen various firearms in the possession of Cabbie and knows Cabbie to always have firearms around him while dealing narcotics.

4. Certified documents obtained from the Union County Clerk of Court reflect the following felony convictions for Damien Cabbie. On February 5, 2002, Union County, North Carolina, Cabbie was convicted of three counts of Possession With Intent to Sell and Deliver Marijuana.

5. On April 2, 2009, at the direction of Sgt. Goforth, Monroe Police Department, and in the presence of your affiant, the Confidential Informant placed a consensually recorded telephone call to Damien Cabbie. During the conversation, the Confidential Informant arranged to meet Cabbie at 7521 White Store Rd., Marshville, North Carolina, to purchase two ounces of crack cocaine.

6. On April 2, 2009, Detective David McCallister conducted a search of the Confidential Informant's person and vehicle, and determined that he/she was not in possession of any firearms, illegal substances, or money. Sgt. Goforth gave the Confidential Informant \$2000.00 official funds to be used to purchase two (2) ounces of crack cocaine from Cabbie. Sgt. Goforth equipped the Confidential Informant with an audio and video recorder and audio transmitter.

7. On April 2, 2009, Sgt. Goforth recorded and consensually monitored a meeting between the Confidential Informant and Damien Cabbie at 7521 White Store Rd., Marshville, North Carolina. A Monroe Police Officer, acting in an undercover capacity, observed the Confidential Informant enter the living space above the garage on the premises of 7521 White

Store Rd. The Confidential Informant gave Cabbie \$2000 official funds and Cabbie gave the Confidential Informant approximately 58 grams of crack cocaine, including packaging. The crack cocaine was field tested and tested positive for cocaine.

Conclusion

Based on the above stated facts, your Affiant has reason to believe that, on April 2, 2009, Damien Maurice Cabbie was in violation of Title 21, United States Code, Section 841(a)(1) to wit: to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense a controlled substance.

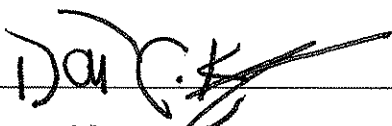
Further your Affiant sayeth naught.



Brent J. Vossekuil, Special Agent

Assistant United States Attorney Courtney Escaravage reviewed this affidavit on April 7, 2009

Sworn to before me this 8th of April, 2009



Honorable David C. Keesler
United States Magistrate Judge
Charlotte, North Carolina